

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

**JOHN WILLIAM HORSLEY, et al., )  
                                        )  
Plaintiff,                         )  
                                        )      **No. 2:12-00104**  
v.                                    )      **Judge Sharp**  
                                        )  
**STATE OF TENNESSEE             )**  
**DEPARTMENT OF CHILDREN'S     )**  
**SERVICES and JACKSON         )**  
**COUNTY MIDDLE SCHOOL,         )**  
                                        )  
**Defendants.                     )****

**ORDER**

The Magistrate Judge has entered a Report and Recommendation (Docket No. 14), recommending that the Motions to Dismiss by Defendant State of Tennessee, Department of Children's Services (Docket No. 8) and Defendant Jackson County Middle School (Docket No. 12) be granted. Despite being specifically informed that objections needed to be filed within fourteen days, Plaintiff has filed no objections.

Having undertaken *de novo* review of the record and filings as required by Rule 72 of the Federal Rules of Civil Procedure, the Court finds that the recommended disposition is correct. While Plaintiff requests that the Court overturn DAH's conviction for being unruly and his placement by Judge Gibson into the custody of the Department of Children's Services, the Court lacks that authority under the Rooker- Feldman doctrine and its progeny. Further, Plaintiff cannot recover monetary damages from either the Department of Children's Services or the Jackson County Middle School because neither is a "person" for purposes of 42 U.S.C. § 1983. With these conclusions, it follows that Plaintiff's "Motion to Set Aside Judgment" in which he asks the Court to set aside the state court "judgment and release DAH into the custody of his father" (Docket No.

10) must be denied.

Accordingly, the Court rules as follows:

(1) The Report and Recommendation (Docket No. 14) is hereby ACCEPTED and APPROVED;

(2) The Motions to Dismiss by Defendant State of Tennessee, Department of Children's Services (Docket No. 8) and Defendant Jackson County Middle School (Docket No. 12) are hereby GRANTED;

(3) Plaintiff's Motion to Set Aside Judgment (Docket No. 10) is hereby DENIED; and

(4) Plaintiff's claims are hereby DISMISSED WITH PREJUDICE.

The Clerk of the Court shall enter final judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE